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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,502	06/14/2001	Eric J. Horvitz	MS150900.12	7769

27195 7590 06/03/2005

AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,502

Applicant(s)

HORVITZ, ERIC J.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 3/02/05.

This action is final.

Claims 1-20 are pending in this application. Claim 1 is independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan et al., U.S. Patent No. 6,301,609.

As per claim 1, Aravamudan teaches a notification system, comprising: a monitor that monitors likely available states of an entity (see col. 7, line 49-col. 8, line 31); and a bounding system that classifies a notification to the entity according to a predefined protocol and the likely available states, the bounding system facilitating deferral of the notification based at least in part on the notification classification. (see col. 2, lines 25-49. col. 5, lines 53--col. 6, line 12, and col. 6, line 64col. 7, line 20)

As per claim 2, Aravamudan teaches the system of claim 1, wherein the bounding system is a subscription service provided at a notification source that enables users to tag notifications

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according to ,a predefined priority (see col. 6, lines 13-31, col. 7, line 49-col. 8, line 31, and col. 9, line 64-col.10, line 51).

As per claim 3, Aravamudan teaches the system of claim 2, wherein the predefined priority is assigned based upon the happening of a condition (col. 7, line 49col. 8, line 31).

As per claim 4, Aravamudan teaches the system of claim 2, further comprising a subscription user interface to enable users to configure attributes of a notification (col, 6, lines 45-63 and col. 9, line 64-col. 10, line 51; it is inherent that a user interface is presented to the user because the user is allowed to configure attributes of a notification).

As per claim 5, Aravamudan teaches the system of claim 4, wherein the attributes are defined in a notification schema (see col. 6, lines 12-31).

As per claim 6, Aravamudan teaches the system of claim 5, the notification schema further comprising at least one of a notification class, a source, a source assigned priority, a sender, a target, one or more content components, a relevant context, and advanced attributes (See col. 6, lines 12-31).

As per claim 7, Aravamudan teaches the system of claim 5, further comprising a preferences profile for assigning priority based upon settings in the notification schema (see col. 6, lines 12-31).

As per claim 8, Aravamudan teaches the system of claim 7, further comprising a notification preferences editor to enable users to configure the preferences profile (see col. 6, lines 45-63 and col. 9, line 64-col. 10, line 51; it is inherent that a user interface is presented to the user because the user is allowed to configure preferences profile).

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As per claim 9, Aravamudan teaches the system of claim 8, wherein the notification preference editor enables users to configure at least one of a context, a source type, a contact class, and a notification agent policy for directing received notifications (see col. 6, lines 45-63 and col. 9, line 64-col. 10, line 51).

As per claim 10, Aravamudan teaches the system of claim 9, wherein the context includes at least one of a calendar, time of day, and a device activity (see col. 7, line 49-col. 8, line 31).

As per claim 11, Aravamudan teaches the system of claim 9, wherein the source type includes at least one of a human contact and an automated alert (see col. 5, line 52-col. 6, line 31).

As per claim 12, Aravamudan teaches the system of claim 9, wherein the contact class includes at least one of key associates, family, and an InAddress Book (see col. 6, lines 45-63).

As per claim 13, Aravamudan teaches the system of claim 1, wherein the monitor derives context from at least one of a calendar, a time of day, a device activity, and a user location (see col. 7, line 49-col. 8, line 31).

As per claim 14, Aravamudan teaches the system of claim 13, wherein the monitor determines the likely available states from the derived context (see col. 7, line 49-col. 8, line 31).

As per claim 15, Aravamudan teaches the system of claim 1, wherein the likely available states are determined from, at least one of an indication by the user, an office setting, an environment setting, an activity setting, and a driving setting (see col. 7, line 49-col. 8, line 31),

As per claim 16, Aravamudan teaches the system of claim 1, further comprising a notification agent that directs notifications from one or more sources to one or more notification

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sinks based at least in part on the predefined protocol and the likely available states (see col. 5, line 52-col. 6, line 31).

As per claim 17, Aravamudan teaches the system of claim 1, wherein the bounding system is a priorities system that automatically assigns priorities to notifications (see col. 7, line 49-col. 8, line 31 and col. 9, line 64-col. 10, line 51).

As per claim 18, Aravamudan teaches the system of claim 17, wherein the priorities are assigned via a classifier (see col. 7, line 49-col. 8, line 31 and col. 9, line 64-col. 10, line 51).

As per claim 19, Aravamudan teaches the system of claim 1, further comprising a max deferral setting that is associated with a notification priority to enable at least one of a delivery of the notification at a time-out of the max deferral, and deferral of the notification to the likely available free state (see col. 7, line 49-col. 8, line 31).

As per claim 20, Aravamudan teaches the system of claim 19, further comprising a setting to enable designated notifications to at least one of be passed-through, and restricted during designated periods (see col. 5, line 52-col. 6, line 31).

Response to Argument

Applicant's arguments filed on 3/02/05 have been fully considered but they are not persuasive.

Applicant's argument focused on the following:

Aravamudan fails to teach the bounding system facilitating deferral of the notification based at least in part on the notification classification.

Examiner disagrees. The examiner does not agree for the following reasons:

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During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, the claim recites "deferral of the notification". Aravamudan teaches this limitation because he determines "how and **when** to notify the user of the received data or communication." (col. 10, lines 30-35)

Furthermore, Aravamudan further teaches "the notification [is] based at least in part on the notification classification" because the determination is made based on the client's priority. (col. 10, lines 25-30)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100